



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 03/02/99

AGENDA ITEM 4

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Final Vesting Tract Map 7033 – Greystone Homes, Inc. (Subdividers); Charles Grimshaw, Ronald E. and Grace E. Marciel (Owners) - Approve the Final Vesting Tract Map and Authorize the City Manager to Execute a Subdivision Agreement and Accept, Upon Completion of Improvements, Certain Streets into the City Street System.

Consolidated Landscaping and Lighting District No. 96-1, Zone 8 – Form Zone 8 within Consolidated Landscaping and Lighting District No. 96-1, consisting of 24 residential parcels within Tract 7033, to provide for the maintenance of landscaping and the soundwall along Hesperian Blvd, north of Tahoe Avenue.

RECOMMENDATION:

It is recommended that the City Council:

1. Find the final map in substantial conformance with the tentative map and the conditions of approval thereof;
2. Authorize the City Manager to execute the subdivision agreement covering the installation of the required improvements;
3. Accept Capitola Street into the City street system upon certification by the Director of Public Works that the required street improvements have been completed;
4. Approve the Engineer's Report on the proposed annexation; and
5. Form Zone 8 within Consolidated Landscaping and Lighting District No. 96-1, confirm the diagram and assessment and set \$371.25 as the assessment amount for FY 99/00.

DISCUSSION:

On October 27, 1998, the City Council approved Vesting Tentative Map Tract 7033 to subdivide 4.2 acres into 24 single-family parcels ranging in size from 5,000 square feet to 9,900 square feet. The property is located in the Glen Eden neighborhood at 28191 Hesperian Boulevard, north of Tahoe Avenue, also known as the Western Garden Nursery site.

The final tract map has been reviewed by the City Engineer and found to be in substantial compliance with the tentative map, the Subdivision Map Act, and provisions of local ordinances.

The City Engineer has also approved the subdivision improvement plans, and the subdivider has posted a security for faithful performance of the improvements in the amount of \$335,000 and an equal amount for labor and materials.

The conditions of approval for this tract required the developer to agree to the formation of a landscape and lighting assessment district or other financing mechanism to maintain all public and common area landscaping and improvements associated with development of the project, to include:

- a. A 7-foot-high decorative concrete soundwall along the tract's Hesperian Boulevard frontage. The wall will be owned by the abutting property owners but its maintenance, including graffiti removal, will be furnished by the District;
- b. A 10-foot-wide landscape area, between the soundwall and the Hesperian Boulevard frontage, to be improved with landscaping, irrigation, and other associated improvements located within the landscape area.

When all affected landowners within a proposed annexation area give their written consent to the formation of a Landscaping and Lighting District, which has occurred here, no further notice or public hearing is necessary. The resolution adopting the Engineer's Report, annexing the territory and approving the assessments may take place at one meeting as a legislative act of the City Council.

The attached Engineer's Report provides a background of the district, a description of the facilities to be maintained, an estimate of the costs for fiscal year 99/00, and apportions the costs to the properties that benefit from the service to be furnished by the District.

Prepared by:


Bashir Y. Anastas, P.E.
Development Review Services Engineer

Recommended by:


Sylvia Ehrental
Director of Community and Economic Development

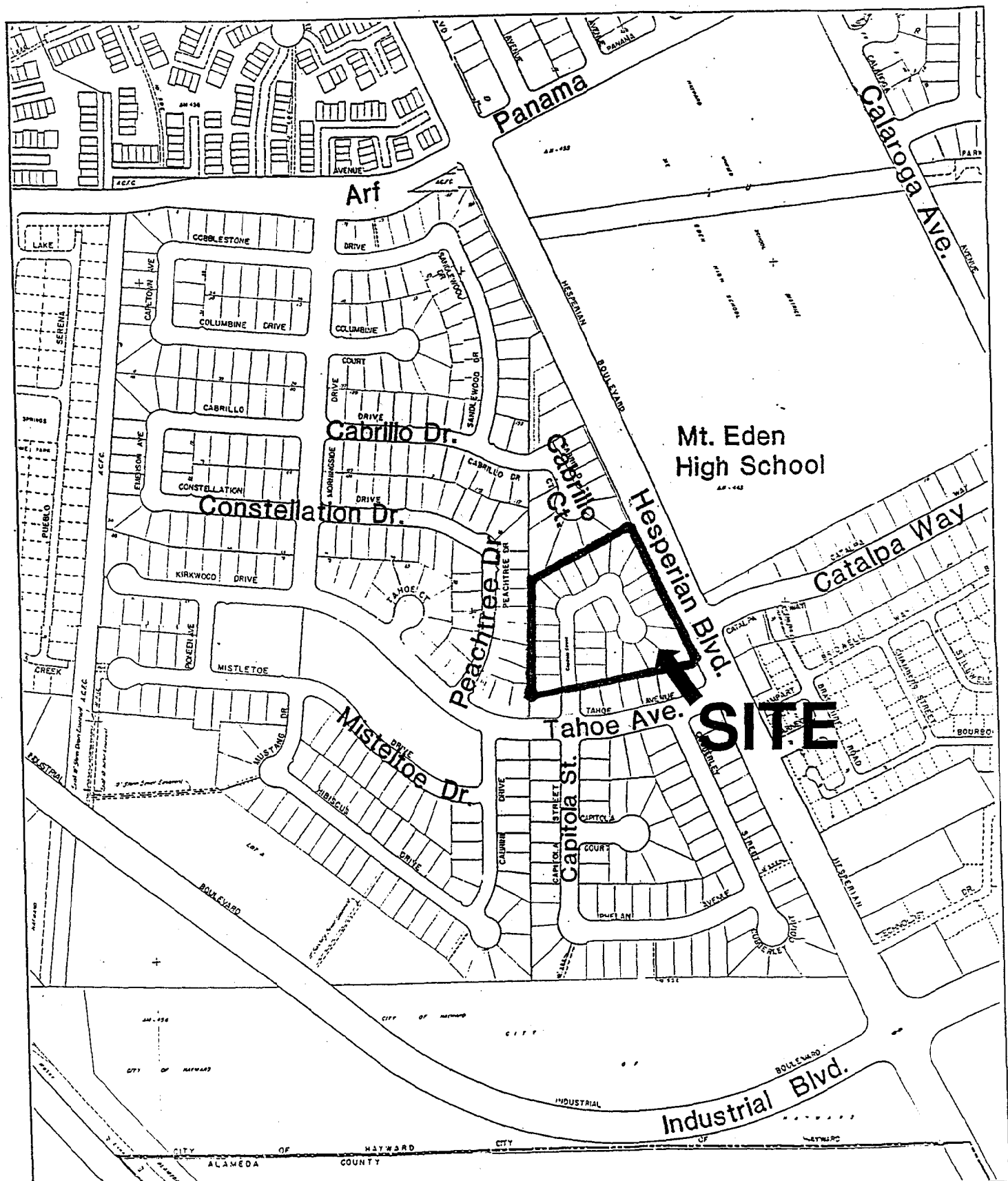
Approved by:


Jesús Armas, City Manager

Attachments:

- A. Area Map
- B. Landowner's Consent to Annexation into Maintenance District
- C. Engineer's Report
Draft Resolution(s)

2.18.99



Mt. Eden
High School

SITE

AREA MAP ■ TENTATIVE TRACT 7033
 Greystone Homes, Inc. (Appl.)
 Charles Grimshaw, R.E. Marciel (Owner)
 28191 Hesperian Blvd.

CITY OF HAYWARD

FORMATION OF ZONE 8

WITHIN

CONSOLIDATED LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 96-1

CAPITOLA STREET

(Hesperian Boulevard North of Tahoe Avenue)

LANDSCAPING AND LIGHTING ACT OF 1972

ENGINEER'S REPORT

FISCAL YEAR 1999-2000

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FORMATION OF ZONE 8 WITHIN CONSOLIDATED LLD No. 96-1 – FY 99/00

BACKGROUND

On March 2, 1999, by Resolution No. 99-____, the City Council approved Final Tract Map 7033, a subdivision of Lots 1 through 24 along Capitola Street for single-family homes, and of Parcel A for a proposed landscape easement along Hesperian Boulevard.

Pursuant to Resolution No. 98-182, adopted by the City Council on October 27, 1998, the City Council, approved Vesting Tentative Tract Map 7033 which included a condition of approval that required the developer to agree to the formation of a Landscaping and Lighting District.

The facilities that would be maintained by the district are as follows:

- a. A 7-foot-high decorative concrete soundwall along the tract's Hesperian Boulevard frontage. The wall will be owned by the abutting property owners but its maintenance, including graffiti removal, will be furnished by the District;
- b. A 10-foot-wide landscape area, between the soundwall and the Hesperian Boulevard frontage, to be improved with landscaping, irrigation, and other associated improvements located within the landscape area.

The City may hire a licensed landscape contractor to maintain the landscaping and the street side of the wall.

In accordance with the adopted map approvals, the cost of the formation of Zone 8 will be borne by the developer. The developer will also be responsible for maintaining the landscaping for a minimum of a one-year period following the acceptance of the tract improvements, which will likely extend through fiscal year 1999-2000.

APPORTIONMENT METHODOLOGY

The homes within the tract are/will be contiguous to each other. The architecture, landscaping features and masonry wall set these developments off as a distinct and separate community. Given the extent of the improvements and the resulting aesthetics that benefit the development, there is a necessity that there be a continuity of maintenance and a guarantee of an entity to perform the maintenance. Therefore, responsibility for maintaining the additional improvements has been assumed by the City - subject to the City recovering the costs of such maintenance through the formation of Zone 8, which will include the properties within Final Tract Map 7033, within Consolidated Landscaping and Lighting District No. 96-1 and through subsequent yearly assessments.

The benefit derived by the individual residential lots within the district is indistinguishable between lots; therefore, all lots derive the same benefit and the method of assessment will be based on a per lot basis.

Pursuant to the Landscaping and Lighting Act of 1972, each year the legislative body must determine what assessment will be levied for that fiscal year.

FORMATION OF ZONE 8 WITHIN CONSOLIDATED LLD No. 96-1 – FY 99/00

The project's total incidental cost for the Zone 8 area includes costs for preparation of formation documents and noticing, preparation of the specifications for and administration of the landscape maintenance contract, a cash flow fund to cover cost expenditures prior to receipt of 2000-2001 assessments from the County, irrigation and plant replacement funds and County collection charges. This results in a per parcel assessment of \$371.25 for fiscal year 1999-2000. This assessment will be covered from funds deposited by the tract developer for the formation of the district and for district costs during the first year. Hence, no moneys will actually be collected during FY1999/2000.

The Engineer's Cost Estimate reflects costs for all the items to show the level of costs that is expected to occur within the district in the future. Future (total per parcel) assessments may be automatically increased, based on estimates, by a percentage that is no more than the Bay Area Consumer Price Index during the previous fiscal year.

**FORMATION OF ZONE 8
WITHIN**

**CONSOLIDATED LANDSCAPING AND LIGHTING
ASSESSMENT DISTRICT NO. 96-1**

**CERTIFICATIONS
FISCAL YEAR 1999-2000**

I, the City Clerk of the City of Hayward, California, hereby certify that the Engineer's Report, with an estimate of costs as set forth in Column (1) page 5 and the assessment diagram, all within and a part of said report, was filed with this office on _____, 1999.

City Clerk

I have prepared this Engineer's Report and do hereby certify that the amounts set forth in Column (2) under Estimate of Costs on page 5 of the foregoing report, and the breakdown of estimated costs on page 7 of this report have been computed in accordance with the order of the City Council of said City, as expressed by its Resolution No. 99-____, duly adopted by said Council on March 2, 1999.

Dated: _____

City of Hayward

By: _____
Engineer of Work

I, the City Clerk of the City of Hayward, California, hereby certify that the Estimate of Cost as shown in Column (3) under Estimate of Costs on page 5 and the Assessment Diagram thereto attached were approved and confirmed by the City Council of said City on _____, 1999, Resolution No. 99-____, subject documents are a part of the Engineer's Report of subject district which is on file in this office.

City Clerk

I, the City Clerk of the City of Hayward, California, hereby certify that a certified copy of the Assessment Diagram was filed in the office of the County Auditor of the County of Alameda, California, on _____, 1999.

City Clerk

FORMATION OF ZONE 8 WITHIN CONSOLIDATED LLD No. 96-1 - FY 99/00

ASSESSMENT

WHEREAS, on _____, 1999, by Resolution No. 99-____, the City Council of the City of Hayward, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972, adopted its Resolution Initiating and Approving Formation of Zone 8 within Consolidated Landscaping and Lighting Assessment District No. 96-1.

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Act and the order of the Council of said City, hereby select the method of spreading assessments utilizing a per lot basis as most accurately distributing the costs in proportion to benefits received.

The amount to be paid for the maintenance of said improvements, and the expenses incidental thereto, are as follows:

	ESTIMATE OF COSTS		
	(1)	(2)	(3)
	As Filed	As Preliminarily Approved	As Finally Approved
Cost of Maintenance	\$ 0.00		
Incidental Expenses	\$ 7,820.00		
ASSESSMENT FOR FY 1999-2000	\$7,820.00		
Estimated Surplus from Developer's Deposit	[\$ 10,000.00]		
COUNTY COLLECTION CHARGES	\$0.00		
AMOUNT TO BE COLLECTED FOR FY 1999-2000	\$0.00		

FORMATION OF ZONE 8 WITHIN CONSOLIDATED LLD No. 96-1 - FY 99/00

As required by said Act, a diagram is hereto attached showing the exterior boundaries of said assessment district and each lot of land within said assessment district, each of which lots having been given a separate number upon said diagram.

I do hereby assess the net amount to be assessed upon all assessable lots within said assessment district by apportioning that amount among the lots in proportion to the estimated benefits to be received by each such lot from the landscape improvements, and more particularly set for in the list hereto attached and by reference made a part hereof. The method of spreading assessments utilizing a per lot basis was selected as most accurately distributing the costs in proportion to benefits received.

The diagram and assessment numbers appearing herein are the diagram numbers appearing on said diagram, to which reference is hereby made for a more particular location of said lots.

Each lot is described in the assessment roll by reference to its parcel number as shown on the Assessor's Maps of the County of Alameda for the fiscal year 1999-2000 and includes all of such parcel.

For line and dimensions of the lots reference is made to the Assessors Map. For additional information as to the bearings, distances, monuments, easements, etc. of subject subdivision reference is hereby made to the Final Map of Tract 7033, filed in the Office of the Recorder of Alameda County on _____, 1999.

Dated:

2/17/1999

Bashir Y. Anastas

Bashir Y. Anastas, P.E.

Engineer of Work

FORMATION OF ZONE 8 WITHIN CONSOLIDATED LLD NO. 96-1 - FY 99/00

**FORMATION OF ZONE 8
WITHIN
CONSOLIDATED LANDSCAPING AND LIGHTING
ASSESSMENT DISTRICT NO. 96-1
CAPITOLA STREET
(HESPERIAN BOULEVARD NEAR TAHOE AVENUE)
Engineer's Cost Estimate⁽¹⁾
FY 99/00 - 01/02**

	FY 99/00	FY 00/01 ⁽³⁾	FY 01/02 ⁽³⁾
<u>I. MAINTENANCE COSTS</u>			
(a) Irrigation water	0.00	800.00	824.00
(b) Electrical energy	0.00	200.00	206.00
(c) Landscaping maintenance including debris removal, weeding, trimming, and spraying (twice monthly)	0.00	2,800.00	2,884.00
(d) Soundwall, including repair and graffiti removal	0.00	800.00	824.00
(e) Contingency (15%)	0.00	690.00	711.00
Total Maintenance Cost	0.00⁽²⁾	5,290.00	5,449.00
<u>II. INCIDENTAL COSTS</u>			
(a) Administration (City)	2,000.00	1,000.00	1,030.00
(b) Engineer's Report, preparation of documents, printing, and advertising	4,000.00	1,200.00	1,236.00
(c) Reserve Fund for Replacement of Capital Assets	530.00	530.00	530.00
(d) Reserve Fund for Extraordinary Repairs	630.00	630.00	630.00
(e) Cash Flow Fund (Equals 33% of following year's estimate)	1,750.00	1,800.00	1,850.00
(f) County Collection Charges (1.7%)	0.00	178.00	183.00
Total Incidental Cost	8,910.00	5,338.00	5,459.00
<u>III. TOTAL ASSESSABLE COSTS</u>	8,910.00	10,628.00	10,908.00
CREDITS, CONTRIBUTIONS, & RESERVES AVAILABLE	8,910.00	1,090.00	0.00
NET ASSESSMENT COLLECTIONS FOR FISCAL YEAR	0.00	9,538.00	10,908.00
Number of Assessable Parcels	24.00	24.00	24.00
Collection per Parcel	0.00	397.42	454.50
Assessment per Parcel	371.25	442.83	454.50
Estimated Bay Area Consumer Price Index (BACPI)		3.00%	

NOTES:

- (1) This estimate is the basis for the FY 99/00 assessment. Maintenance cost figures shown for FY 00/01 are equally assumed for FY 99/00 but are offset by the developer (see note 2). Incidental cost figures for FY 00/01 will be used as base amount for computing future increases--(FY 99/00 figures include startup/ formation costs).
- (2) Developer is responsible for maintenance during FY 99/00; no charges assessed during this fiscal year.
- (3) Amounts shown are informational only. Subject to change. Assessment per parcel shall not exceed prior year's assessment escalated by BACPI unless approved by a majority vote. (BACPI assumed 3.0% for FY 00/01)



APPROVED
ENGINEER OF WORK

BY: BASHIR ANASTAS DATE: _____

Filed in the Office of the City Clerk of the City of Hayward, County of Alameda, State of California, this _____ Day of _____, 19 ____.

CITY CLERK, CITY OF HAYWARD
COUNTY OF ALAMEDA, CALIFORNIA

An Assessment was Confirmed and Levied by the City of Hayward, California, on the Lots, Pieces and Parcels of Land shown on this Assessment Diagram on the _____ Day of _____, 19 ____ and said Assessment Diagram and the Assessment Roll were filed in the Office of the City Clerk, City of Hayward on the _____ Day of _____, 19 ____ Reference is made to said Recorded Assessment Roll for the Exact Amount of each Assessment levied against each Parcel of Land Shown on the Assessment Diagram.

CITY CLERK, CITY OF HAYWARD, CA.

COUNTY AUDITOR'S CERTIFICATE:

On this _____ Day of _____, 19 ____, this Assessment Diagram and the Accompanying Assessment Roll have been filed in the Office of the Auditor of Alameda County.

AUDITOR OF THE COUNTY OF ALAMEDA,
STATE OF CALIFORNIA

COUNTY RECORDER'S CERTIFICATE:

Recorded this _____ Day of _____, 19 ____, in the Office of the County Recorder of the County of Alameda, in Book _____ of Maps of Assessment District at Page _____ Thereof at _____.

COUNTY RECORDER,
COUNTY OF ALAMEDA STATE OF CALIFORNIA

NOTE:
This diagram is only for the purpose of indicating the lots being assessed, the assigned assessment numbers for said lots and the relationship to the surrounding streets.

For a detailed description of the lines and dimensions of the lots, reference is made to the Alameda County Assessor's Maps for the fiscal year 1999-2000. For information on the streets and other appurtenant lines and dimensions reference is made to the filed Final Map of Tract 7033.

LEGEND	
	District Boundary
	Parcel/Lot Lines
	Assessment Number

ASSESSMENT DIAGRAM
ANNEXATION TO
CONSOLIDATED LANDSCAPING AND LIGHTING
ASSESSMENT DISTRICT NO. 96-1
ZONE 8
Capitolia Street
City of Hayward, Alameda County, California
FISCAL YEAR 1999-2000

**LANDOWNER CONSENT TO ANNEXATION TO
CONSOLIDATED LANDSCAPING AND LIGHTING DISTRICT NO. 99-1**

(Pursuant to the Landscaping and Lighting Act of 1972 and the Proposition 218 Omnibus Implementation Act)

The undersigned, owners of the land described as Tentative Map Tract 7033, Assessor's Parcel Number 456-0047-054-00, hereby request and consent to the annexation of said property to the City of Hayward Consolidated Landscaping and Lighting District No. 99-1 pursuant to the Landscaping and Lighting Act of 1972 (California Streets and Highways Code §§22500 *et seq.*) for the purpose of providing maintenance of the following improvements:

- a. The exterior surface of the 7-foot-high decorative sound wall facing Hesperian Boulevard, including graffiti removal.
- b. All landscaping, including trees, shrubs and vines, planted in front of the soundwall, and irrigation system along Hesperian Boulevard;

The undersigned hereby waive the notice of public meeting and public hearing otherwise required by the Landscaping and Lighting Act of 1972 for the annexation to the district and the adoption of the annual budget.

DESCRIPTION OF PROPERTY

APN 456-00047-054-00

GREYSTONE HOMES, Inc., A Delaware Corporation

BY: Steven G. Delva
Steven G. Delva, Division President

Dated: 2/8/99

BY: W.C. Baker
W.C. Baker, Assistant Secretary

Dated: 2/8/99

DRAFT 2/24/99 JVB

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION APPROVING FINAL MAP FOR TRACT 7033,
AUTHORIZING THE CITY MANAGER TO EXECUTE A
SUBDIVISION AGREEMENT, AND ACCEPTING CERTAIN
STREETS INTO THE CITY STREET SYSTEM

WHEREAS, there has been presented to the City Council of the City of
Hayward a final map for Tract 7033; and

WHEREAS, the Director of Community and Economic Development and
Director of Public Works recommend approval of the final map.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of
Hayward does hereby find that the final map for Tract 7033 is in substantial conformance with
the tentative map and does hereby approve the final map, subject to the condition that the
subdivider enter into an agreement for the construction of improvements and other obligations
required as a condition of approval of the tentative map for the tract and that approval shall not
be effective until and unless such agreement is entered into.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized for
and on behalf of the City of Hayward to execute a subdivision agreement in a form approved
by the City Attorney, and to execute any and all documents necessary to complete the transfer
of those portions of Tract 7033 property which will be dedicated to or acquired by the City.

BE IT FURTHER RESOLVED that the City Council shall hereby accept into
the street system of the City of Hayward Capitola Street, upon certification by the Director of
Public Works of satisfactory completion of the street improvements in substantial conformance
with the approved plans.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT JB 2/24/99

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION INITIATING AND APPROVING THE
ANNEXATION OF ZONE 8 TO CONSOLIDATED
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT
NO. 96-1, CONSISTING OF 24 RESIDENTIAL PARCELS
WITHIN TRACT 7033, AND ORDERING THE LEVY AND
COLLECTION OF ASSESSMENTS FOR THE 1999-2000
FISCAL YEAR**

WHEREAS, by Resolution 98-182, adopted on October 27, 1998, the City Council approved Vesting Tentative Tract Map 7033 consisting of 24 residential parcels located at 28191 Hesperian Boulevard. A condition of approval thereof required the Property Owners to agree to the formation of a Landscaping and Lighting District to maintain all public and common area landscaping and improvements associated with development of the project to include:

1. A 7-foot high decorative concrete sound wall along the Tract's Hesperian Boulevard frontage. The wall will be owned by the abutting property owners but its maintenance, including graffiti removal, will be furnished by the District;
2. A 10-foot-wide landscape area, between the sound wall and the Hesperian Boulevard frontage, to be improved with landscaping, irrigation, and other associated improvements located within the landscape area; and

WHEREAS, Property Owners have submitted a February 8, 1999, written request for and consent to the annexation of their property (to be designated "Zone 8") to existing City of Hayward Consolidated Landscape and Lighting District 96-1 ("LLD 96-1"); and

WHEREAS, Property Owners February 8, 1999, request and consent also waives the notice of public hearing otherwise required by the Landscaping and Lighting Act of 1972 (commencing at Streets & Highways Code section 22500) for the annexation of Zone 8 to LLD 96-1; and Property Owners have further approved and consented to the City Council's approval of the proposed Engineer's Report submitted to the City Council at its March 2, 1999, meeting; and

WHEREAS, Property Owners February 8, 1999, written consent also waives the notice of public meeting and protest and assessment ballot proceeding required by Proposition 218 and the Proposition 218 Omnibus Implementation Act; and

WHEREAS, Property Owners February 8, 1999, consent agrees to the levy of an assessment for fiscal year 1999-2000 in an amount no more than \$371.25 per proposed parcel; and

WHEREAS, the City Council has considered the Property Owners February 9, 1999, request-consent and the report prepared by City staff recommending the annexation of Zone 8 to LLD 96-1, and the levy of assessments for fiscal year 1999-2000, which are incorporated by this reference as a part of this resolution.

NOW, THEREFORE BE IT RESOLVED as follows:

1. Development Review Services Engineer Bashir Y. Anastas has prepared a report in accordance with Article 4 of Chapter 1 of Part 2 of Division 15 of the California Streets and Highways Code (commencing with § 22565 thereof) and is designated as "Engineer of Work" for these proceedings. The report ["the Engineer's Report"] has been made, filed with the City Clerk, and is duly approved as the Engineer's Report for LLD 96-1, Zone 8. The Engineer's Report contains a full and detailed description of the improvements, the boundaries of the proposed LLD 96-1, Zone 8 assessment district, and the proposed assessments upon assessable lots within the district.

2. The City Council hereby orders the annexation of Zone 8 to LLD 96-1, consisting of all properties contained within Tract 7033, located along Hesperian Boulevard near Tahoe Avenue. This assessment district is hereby given the distinctive designation of "Consolidated Landscaping and Lighting District No. 96-1, Zone No. 8" and may be referred to as LLD 96-1, Zone 8. LLD 96-1, Zone 8 encompasses only those lots within the boundary of Tract 7033 and reference is hereby made to the final map of Tract 7033, said map being on file and open to public inspection in the office of the City Clerk and at the office of the Recorder of Alameda County.

3. Pursuant to Part 2 of Division 15 of the California Streets and Highways Code (commencing with § 22500 thereof) and the Property Owners February 8, 1999, request and consent, the City Council also orders the levy of a \$371.25 per parcel assessment, which levy is reduced by the Developer's contribution, thereby resulting in an assessment collection of \$0.00 per parcel for the fiscal year 1999-2000. The income from such assessments shall be utilized for the maintenance of improvements and related costs described in the Engineer's Report.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward